

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

GREGORY C. PRINCE,

Petitioner,

v.

CIVIL ACTION NO. 2:07cv43

WESTERN TIDEWATER REGIONAL JAIL,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of United States District Court for the Eastern District of Virginia, for report and recommendation. The report of the Magistrate Judge was filed on May 1, 2007, recommending that the petition be dismissed without prejudice.

By copy of the report and recommendation, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The court has received no objections to the Magistrate Judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve in full the findings and recommendations set forth in the report and recommendation of the United States Magistrate Judge filed May 1, 2007. Accordingly,

the petition is DENIED without prejudice to petitioner's right to submit a petition to this court in the future. However, the court CAUTIONS petitioner that the statute of limitations continues to run on his claims.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of this judgment. Because the petition is being denied without prejudice and, as noted in the Magistrate Judge's report, the court has been unable to contact petitioner, the court declines to issue a certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure.

The Clerk shall mail a copy of this Final Order to petitioner at his last known address and to counsel of record for respondent.

/s/
Rebecca Beach Smith
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

May 24, 2007